

Article 3 - Minimum Standards for Structures

5-301. Purpose. For the purpose of (a) preventing structures from becoming unfit for human use or habitation or from becoming a blight on surrounding properties, (b) conserving property values throughout the City of Mission Hills, Kansas, and (c) promoting the health, safety and general welfare of the residents of the City, this Article 3 requires that all structures located within the City comply with certain minimum standards.

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5-302. Minimum Standards. The following minimum standards are hereby established for the construction and maintenance of all structures located within the City:

- A. Every structure shall comply with all applicable health, fire, building and zoning regulations and all other laws and regulations relating to the use of land and to the use and occupancy of buildings and improvements.
- B. The foundation, chimney, exterior walls, and roof of every structure shall be: substantially weathertight, watertight and rodent proof; capable of affording privacy; and structurally safe and capable of withstanding the normal stress placed thereon.
- C. All windows, exterior doors, basement hatchways and all other openings in the exterior of every structure shall be substantially weathertight, watertight and rodent proof. All windows shall have windowpanes and all doorways shall have doors which are without open cracks or holes. All awnings shall be maintained in a safe and operable condition.
- D. All stairways, porches, balconies, rails, balustrades, walls, floors and support components of every structure shall be structurally safe and capable of withstanding the normal stress placed thereon.
- E. All exterior surfaces of every structure, including awnings or other attachments thereto, shall be free of broken or loose window glass, shingles, siding, lumber, bricks, stone, open cracks, holes or tears, excessive peeling paint and other conditions reflective of deterioration and shall be of a quality and appearance which are commensurate with the character of the property in the neighborhood in which such structure is located, which are not detrimental to the values of surrounding properties, which are not a blighting influence on the neighborhood so as to deprive owners or occupants of neighboring properties of the beneficial use and enjoyment of their premises.
- F. Every structure which is used or occupied as a place of human habitation: shall have connected thereto fully operative electrical power, water and sewer lines; shall have an identifiable separate room equipped with bath and toilet facilities and an identifiable separate room for food storage and preparation, each of which rooms shall have appropriate utilities connected thereto and fully operative; and shall be equipped with heating facilities which are adequate for such structure and are in safe operating condition.

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- G. Every structure shall be kept in such a manner so as to prevent it from being an attractive nuisance to children.
- H. All electrical, plumbing, heating, sewer, gas and mechanical systems connected to any structure shall be maintained in a safe and operable condition.
- I. All parts of every structure shall be maintained in a safe condition.

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5-303. Complaints.

- A. **Filing.** Whenever the City Administrator, or his or her designee, files with the City Council a statement in writing that any structure, describing the same and where located, has been constructed or maintained in violation of any of the standards established by this Article 3, or is otherwise unsafe or dangerous, or is abandoned property, the City Council, by resolution, shall fix a time and place by which the owner, the owner's agent, any lienholders of record and any occupant of such structure may appear and show cause why such structure should not be found to violate standards established by this Article 3, or should not be condemned and ordered repaired or demolished in the case of an unsafe or dangerous structure, or rehabilitated in the case of abandoned property. Such resolution shall be published once each week for two consecutive weeks on the same day of each week. At least thirty (30) days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail within three (3) days after its first publication to each owner, agent, lienholder and occupant, at the last known address and shall be marked "Deliver To Addressee Only." If for any reason, certified mail is not accepted by the owner, agent, lienholder or occupant of the property at issue, the resolution may be delivered by personal service or by regular mail.
- B. **Hearing.** On the date fixed for hearing, the City Council shall hear all evidence submitted by the owner, the owner's agent, lienholders of record and occupants having an interest in such structure as well as evidence submitted by the City Administrator filing the statement and shall make findings by resolution. If the City Council finds there is a violation of such standards, the resolution shall either: (a) require the owner of the structure to repair, alter or improve the structure, if the repair, alteration, or improvement can be made at a cost not in excess of fifty percent (50%) of the fair market value of such structure as determined by the City Council; or (b) require the removal or demolition of the structure if the repair, alteration, or improvement of the structure cannot be made for under fifty percent (50%) of the fair market value of the structure. If the City Council finds that the structure is unsafe or dangerous, the resolution shall direct the structure to be repaired or removed or demolished and the premises made safe and secure. If the City Counsel finds that the structure is abandoned property, the City Council may authorize the rehabilitation of such property. Such resolution shall be published once in the official City paper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a

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reasonable time within which compliance with its requirements shall be commenced and a statement that if the owner of such structure fails to commence the required actions within the time stated or fails to diligently prosecute the same until the work is completed, the City Council will cause the structure to be repaired, altered, improved, removed, demolished or rehabilitated.

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5-304. Enforcement of Final Orders. It shall be the duty of the City Administrator to determine whether an owner has complied with the resolution of the City Council issued after the hearing authorized under this Article 3. If the owner fails to comply with said resolution of the City Council within the time specified therein, the City Administrator may direct the City Prosecutor to initiate a charge in the Municipal Court against the owner. In addition, the resolution and the respects in which the owner has failed to comply with the resolution, shall be presented by the City Administrator to the City Council at its next meeting. The City Council may either:

- A. direct the City Prosecutor to initiate a charge in the Municipal Court against the owner,
- B. direct the City Administrator to carry out the resolution by causing the structure to be repaired, altered, improved, removed, demolished, or rehabilitated, or
- C. any combination of such actions which it determines appropriate.

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5-305. Costs. If it is determined that a structure is in violation of the standards set forth in this Article 3, or is unsafe or dangerous, or is abandoned, all costs of the proceeding hereunder (including the cost of service of notices and resolutions, cost of determining the owner, owner's agent, occupants and lienholders, cost of repair, alteration, improvement, removal, demolition or rehabilitation, if ordered by the City Council) shall be a lien against the real property on which such structure is located, and such lien may be foreclosed in judicial proceedings in the manner provided or authorized by law for loans secured by liens on real property, or shall be assessed as a special assessment against the lot or parcel of land on which the structure was located, and the City Clerk shall, at the time of certifying other City taxes, certify the unpaid portion of the aforesaid costs, and the County Clerk shall extend the same on the tax rolls of the county against the lot or parcel of land. If the structure is removed or demolished by the City Administrator, the City Administrator shall sell the materials of such structure and shall credit the proceeds of such sale against the costs of the proceeding hereunder and the removal or demolition, and if there is any balance remaining, it shall be paid to the owner.

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5-306. Powers of Enforcement. The City Administrator is authorized to exercise such powers as may be reasonably necessary in administering the provisions of this Article 3, including the power to enter a structure, which is the subject of a proceeding under this Article 3, and the property upon which such structure is located; provided that such entry is made in a reasonable manner. In the event that entry is denied or resisted, the City Administrator is authorized to seek an order from a court of competent jurisdiction in such respects as is necessary to obtain entry to the structure and the property upon which such structure is located. In addition to the specific duties delegated to the City Administrator by this Article 3, the City Administrator shall provide the City Council with such assistance as it may request in administration of this Article 3. In addition to the general powers granted hereunder, the City Administrator is specifically authorized to utilize the services of other City employees and agents and to employ on an independent contractor basis personnel having appropriate qualifications to provide such information or other services as the City Administrator may determine necessary for the purpose of administering the provisions of this Article 3.

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5-307. Emergency Powers. When in the opinion of the City Administrator, any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the City Administrator may erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay and such action may, under such circumstances, be taken without prior notice to or hearing of the owner or any other person entitled to service of the notice of hearing. The cost of any such action shall be assessed against the property as provided herein. With respect to any action taken by the City Administrator pursuant to this section, there shall be no right of hearing from the City Council, and no such action shall be reviewed or stayed except by a court of competent jurisdiction.

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5-308. Reserved.

5-309. Conflict With Other Code of Ordinances Sections. Nothing in this Article 3 shall be construed to abrogate or impair the powers of the courts or of any department of the City to enforce any provisions of this Article 3, nor to prevent or punish violations thereof; and the powers conferred in this Article 3 shall be in addition and supplemental to the powers conferred by any other section of this Code of Ordinances. Nothing in this Article 3 shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

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5-310. Severability. In the event that any part of this Article 3 is declared invalid or unenforceable, the remainder of its provisions shall not be affected, but such remaining provisions shall continue in full force and effect.

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5-311. Definitions. For purposes of this Article 3 the following terms shall have the meaning set forth below:

- A. **"Abandoned property"** means any residential real estate for which taxes are delinquent for the preceding two years and which has been unoccupied continuously by persons legally in possession for the preceding one year.
- B. **"Last known address"** includes the address where the property is located, or the address as listed in the tax records.
- C. **"Occupant"** means any person in possession of a structure, any person inhabiting a structure, and any person having charge, care, management, or control of any structure.
- D. **"Owner"** means that person or persons who, alone, jointly, or severally with others, hold(s) title to the real property upon which any structure is located as shown by the records of the Register of Deeds of Johnson County, Kansas.
- E. **"Rehabilitation"** means the process of improving the property, including, but not limited to, bringing property into compliance with applicable fire, housing and building codes.
- F. **"Structure"** means any building, wall or other structure.

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5-312. Authority. This Article 3 is adopted by authority of K.S.A. 12-1750 et seq., and K.S.A. 17-4759(j).

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